OFFICIAL

CARDINAL LAW GROUP

1603 Orrington Avenue/Suite 2000 Evanston, Illinois 60201 Telephone 847 – 905 - 7111 Facsimile 847 – 905 – 7113

CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

Date:

JULY 14, 2003

To:

EXAMINER TORRES

U.S. PATENT AND TRADEMARK OFFICE

Fax #:

(703) 872-9327

Official

From:

FRANK C. NICHOLAS

Fax #:

(847) 424.2521

FAX RECEIVED

Client/Matter No.:

DP-306477 (7500/124)

JUL 1 5 2003

of Pages:

9

(including cover sheet)

GROUP 3600

IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE, PLEASE CALL 847/905-7111, Fat. 2280, AND ASK FOR JENNIFER CRUZ.

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IT MAY CONTAIN PRIVILEGED, CONFIDENTIAL, ATTORNEY WORK PRODUCT, OR TRADE SECRET INFORMATION WHICH IS EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF YOU ARE NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE (AND ALL COPIES) TO US BY MAIL AT THE ABOVE ADDRESS. WE WILL REIMBURSE YOU FOR POSTAGE.

+18479057113 T-056 P.02/09 F-382

						- PTD:53// 112 9/1 - Lines ets Pups numerous		40, 100 AMERICAN (IN)	ed missing m	~~~	3 100,000	the sales of the parties of the part	Ones core to re- suco	
TOANGARITAL						Attorney Docket	DP-308477 (7500/124)							
TRANSMITTAL						Application Number			09/997,745					
FORM						Filing Date			NOVEMBER 29, 2001					
						First Named Inventor			SANJIV G TEWANI					
(gnih) isuru 1910. eskulukoqysarusi ita tat baau ad ar)						Group Art Unit	3683							
					Ì	Examiner			TORRES, M.					
				FN	CLOS	SURES (CNOCK &	ll th	at apply)					-	
	Amendment				Assignment Papers (for an Application)				Notice of Appeal Communication to Board of Appeals and intererences					
	After Final				Drawings:					Reply Brief				
	Affidavits/declaration(s)				After Grou	Allowance Comi ip	cation to				FAX R	ECEI		
П	1				Acco	on Rousing Stip (Formpanying Patition	\$8/69) and		•		information JUL	1 5 200		
—	Status Letter					Convert a Insignal Application					Receipt	ID		
	Extension of Tim			er of Attorney, Re orrespondence Ad		×	Addii (pea	ional l	Entros press	JP 36				
	Express Abando		Terminal Disclaimer				☒	Exhi	bit A					
	Information Disclosure Statement, PTO-1449, art				Small Entity Statement							Offi	cial	
	Cerafied Copy of Priority Document(s)				Request of Refund									
	Response to Missing Parts/ Incomplete Application				The Commissioner is nereby authorized to charge any tees which may be required, or credit any overpayment, to Deposit Account No. 50-1713. A auplicate copy of this sheet is enclosed.									
				Ø	I hereby petition under 37 CFR § 1 136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 50-1713. A duplicate copy of this sheet enclosed.									
					CALCULATION OF FEE Sma					ali Enuty Large Enuty				
	Claims After Amendment			sal No. xursiy For		Present Extra		Rate	Add? Fee		Or	Rate	Add1 Fee	
Total		Minus				0		x \$5	95	0		x \$18=		
ingep.		Mithus					-	x \$42	2=	0		x \$84=_		
First Presentation of Multiple Dep. Claim									+\$140=			<u>+ \$280=</u>		
					15.00	FAPPLICANT. A	TTO	RNEY OR A		\$ 0		total aggil fee	\$0	
Firm: FRANK C NICHOLAS or Registration No. 33,983 CARDINAL LAW GROUP 1603 Omngton Avenue, Suite 200							<u>, ,</u>	A CASE AND A SECURE	<u> </u>					
Signat	lure	Evanston, IL	PLACE TILL 60201						Date <u>July 14, 2003</u>					
						RTIFICATE OF								
there	py cerufy that the S. Patent and Ti	nis correspond rademark Office	ence en th	is transi	ълес	by facsimile to	(703	3) 872-93 27 1	0			July 14 20	203	
L				1 /			_		7					
		7/0		1 /					Da	ke:	luly 14	2003	~~	

#9 8 1/22/03

Certificate of Passamit

I hereby consist that this correspondence is being transmitted VIA FACSIMILE: to (703) 872-9327 to the United States Patent And Trademark Office

un July 14, 2003

Date

FRANK C NICHOLAS (33.983)

(Typed or printed name of person signing certificate)

Jank C/far

PATENT-APPEAL

Case No.: DP-306477 (7500/124)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant:

SANJIV G. TEWANI, et al.

Group Art Unit: 3683

Serial No.:

09/997,745

Examiner: Torres, M.

Filed:

NOVEMBER 29, 2001

Title: POWERTRAIN MOUNT WITH FLOATING TRACK

REPLY BRIEF

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir.

The Examiner first argues in his Answer that the claims do not recite that the orifice track accommodates fluid flow, and that this will not be read into the claims from the specification. However, a claim term is given its ordinary meaning, unless the specification alters that meaning. *Gart v. Logitech*, 59 USPQ2d 1290, 254 F.3d 1334, 1341 (Fed. Cir. 2001). The ordinary meaning of "track" is "a course or route followed." Webster's Encyclopedic Unabridged Dictionary of the English Language (1994) (Exhibit A). To the extent that the application modifies this definition, it is to make explicit that fluid follows the "course or route" of the orifice track -- in other words, the common definition that one of ordinary skill in the art would understand.



JUL-14-03 03:46PM FROM-CLG FAX

+18479057113

T-056 P.04/09 F-382

July 14, 2003

Case No.: 306477 (7500/124)

Serial No.: 09/997,745 Filed: November 29, 2001

Page 2

The Examiner also suggests that Lee et al. '279 would still anticipate the claims if "orifice track" is given its ordinary meaning. However, each of the independent claims also recites a "slug having a bore" — and the interior of the tube 34 cannot be both the "orifice track" and the "bore" of the slug. *In re Bond*, 15 USPQ2d 1566, 910 F.2d 831, 832 (Fed. Cir. 1990) (anticipation requires that "every element of the claimed invention must be identically shown in a single reference.").

+18479057113

T-056 P.05/09 F-382

July 14, 2003

Case No.: 306477 (7500/124) Serial No.: 09/997,745 Filed November 29, 2001

Page 3

SUMMARY

The final rejection of claims 1-14 should be reversed.

Respectfully submitted,

SANJIV TEWANI, et al.

Date: July 14, 2003

Timothy G. Newman

Registration No. 34,228

Registration No. 33,983

Attorney for Applicants

Attorney/Agent for Applicants

mid floor

CARDINAL LAW GROUP 1603 Orrington Avenue **Suite 2000** Evanston, Illinois 60201

Phone: (847) 905-7111

Fax: (847) 905-7113

Websters Encycle Dictiona



The dictionary entries are based on the First Edition of The Random House Dictionary of the English Language

GRAMERCY BOOKS NEW YORK/AVENEL Applicant: Sanjiv G. Tewani, et al. Serial No.: 09/997,745 Filed: November 29, 2001 Dkt. No. DP-306477 (7500/124)

EXHIBIT A

ロンにキードロフーエのド

HOSQMBH! WIF

desien en et tor

ACKNOWLEDGMENTS AND PERMISSIONS

The "A Dictionary of the English Language" section of this book (Webster's Encyclopedic Unubridged Dictionary) is based on the first edition of The Random House Dictionary of the English Language, the Unabridged Equion, copyright © 1983.

A Manual of Style, copyright © 1986 by Crown Publishers, Inc. Excerpted and reprinted by arrangement with Crown Publishers, Inc.

Krevisky, Joseph and Jordan L. Linfield-The Bad Spetter's Dunionary, copyright @ 1967, 1963, by Innovation Press. Reprinted by arrangement with Random House, Inc.

Stein, Jose, Ed.—Rhyming Dictionary, copyright @ 1960 by Random House, Inc. Reprinted by arrangement with Random House, Inc.

Webster's Crossword Puzzle Dictionary. 1986 edition, copyright @ 1963 by Fawcen Publications, Inc., and copyright @ 1964 by Openheimer Publishers, Inc. Reprinted by arrangement with Openheimer Publishers, Inc.

> Copyright @ 1994 by dilithium Press, List. All rights reserved.

This 1994 edition is published by Gramercy Books. a division of dilittium Press, Ltd., distributed by Random House Value Publishing, Inc., 40 Engelmed Avenue, Avenel, New Jersey 07001

Random House New York - Toronto - London - Sydney - Auckland

Printed and bound in the United States of America

Library of Congress Cataloging-in-Publication Data

Webster's encyclopedic unabridged dictionary of the English language -- New rev. cd.

p. cm.

The dictionary entries are based on the first edition of The Random House dictionary of the English language." Includes bibliographical references.

1. English language-Dictionaries.

PE1625 W46 1994

423-d-20

93-48137

CIP

Special Value Edition: 0-517-11864-5

8765432

upsdwoul mir

des: an en er inc

is a peak of increasing and sunty of Ortensia happendant in a peak of increasing and increasing

or has a minister of Cuba. [1797,866] (1953); 14.182 eq. m. provisors in E. Cuba. [1797,866] (1953); 14.182 eq. m. provisors in E. Cuba. [1797,866] (1953); 14.182 eq. m. provisors in E. Cuba. [1797,866] (1798); 1797, 18. a prompted control of the provisor in the proviso

thy fine and making poper into a variety of decreasive or content of presemptional forms. 2 an object made by original or content of presemptional forms. 2 an object made by original or content of presemptional forms. 2 an object made by original or content of the presemptional forms. 2 an object made by original or content of the presemptional forms. 2 an object made by original or content of the presemptional forms. 2 an object made by original or content of the presemptional forms. 3 an object made by original or content of the presemption of the presempt

Orizaba

corni of the state of the state

sook combining of [Caves, presided on one 204 cm/s. Extractant upons at the large edge. [c. Jap. proc. equiv. to orf fold + dans back]

Orthus-qui [6-7] mirrat, 6r/s.]. Phonet. — 4dl. 1. incomposition with the voice imming through the mostle End the area simplehetening. as in the manifed words of the area simplehetening. as in the manifed words of the area simplehetening. The incomposition of the control of the control of the manifed words of the area simplehetening. The control of the manifed words of the control of the cont

PDESMOON! WIL

4+2:40 ED ET INC



chle

es, pip. of ting marks
Thack, the
direction of
sets units
no explica
no congest
references
sufficient
sufficient
sufficient
and congest
sufficient
sufficient
and congest
sufficient
sufficient
and congest
sufficient
sufficient
and congest
sufficient
and congest
sufficient
sufficient
and congest
sufficient
suf

i, form of he m drifts i. See thus chira. 15 a to mother the traces, or default, neby, [Mik a section of the traces].

nich traces a tracian of an inquiry vente shipammunition ages a AFS-ice its parts one capt at pred to such radiosetivo,



: sectories.

1/21. 2. Pl.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

2/21. 1.

LBCAIL adj.

MA TITH The

O at ut come
T ***

T ***

Us bis/(1).

Us . — R 2. 9

talls, independs sol (and 51, (and 65) and (and 51, (and 65) and (and

(한). 전기 및 등

.; trachestoney.

(시설 명), 대한 : 나이다마다 3보다

of the days.

A partition

A pa

Med crime with a large-cho-scop-to spine. A spine and spine and spine per-diction per-

-mios. Surs. [Teauneo-+

orking Z ha g to taugue; rangula. (7 < f (page) drug

trachoma

response tapper, (so a lab. Persponse page is response to the control of a page of the control o

TRACHOMB (17 kVm), a. Ophinalm. 3 crangens track man (17 kVm) h. 7. spec. U.S. 3. architecture of the constructive and current pharacters.

ITRACHOMB (17 kVm), a. Ophinalm. 3 crangens track man (17 kVm) h. 7. spec. U.S. 3. architecture of the constructive and current pharacters.

ITRACHOMB (17 kVm), a. Ophinalm. 3 crangens track man (17 kVm) h. 7. spec. U.S. 3. architecture of the constructive and current pharacters.

ITRACHOMB (17 kVm), a. Land of the constructive and the constructive and current pharacters. It is been constructed to the constructive and current pharacters. It is been constructed to the current pharacters are sorted to the current pharacters are sorte

design an at inc